

United States District Court

Northern District of Ohio

UNITED STATES OF AMERICA

v.

Timothy D. Neumann**JUDGMENT IN A CRIMINAL CASE**Case Number: **3:05cr778**

USM Number: 43459-060

Jeffrey G. Collins

Defendant's Attorney

THE DEFENDANT:[✓] pleaded guilty to counts one and two of the Indictment.

The defendant is adjudicated guilty of these offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC 371	Conspiracy to commit Health Care Fraud	10/18/02	1
18 USC 1956(h)	Conspiracy to commit Money Laundering	10/18/02	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States Attorney of material changes in the defendant's economic circumstances.

February 25, 2008

Date of Imposition of Judgment

s/ James G. Carr

Signature of Judicial Officer

JAMES G. CARR, United States Chief District Judge

Name & Title of Judicial Officer

February 27, 2008

Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 33 months on each count, to be served concurrently.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at ___ on ___.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2:00 p.m. on _.

☒ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

Deputy U.S. Marshal

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DEFENDANT:

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT:

SPECIAL CONDITIONS OF SUPERVISED RELEASE

The defendant shall provide the probation officer access to all requested financial information.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 200.00	\$ 75,000.00	\$ 1,710,725.00

☐ The determination of restitution is deferred until __. An amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment unless specified otherwise in the priority order of percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>*Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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****See attachment****

<u>TOTALS:</u>	<u>\$ 1,710,725.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$_____

☐ The defendant must pay interest on restitution and a fine of more than \$2500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the ☐ fine ☐ restitution.

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ The defendant shall pay a fine in the amount of \$75,000.00 through the Clerk of the U.S. District Court. The fine is due and payable immediately.
- B ☒ Restitution in the amount of \$1,710,725.00 to the victims as identified, shall be paid through the Clerk of the U.S. District Court. Restitution is due and payable immediately. Restitution is ordered jointly and severally with Paul M. Neumann, Case No. 3:05cr777. Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon property of the defendant discovered before and after the date of this judgment.
- C ☒ The defendant shall pay the government \$550,000 for the costs of investigation and prosecution of the case. This is ordered jointly and several with Paul M. Neumann, Case No. 3:05cr777. The funds shall be paid to the following:

United States Department of Treasury \$504,436.00
 c/o Steve Braskie, Special Agent
 Internal Revenue Service - Criminal Investigation Division
 5990 West Creek Road
 Independence, OH 44131-2153
 (216) 520-7188 (If by check, payable to "U.S. Department of Treasury")

Federal Bureau of Investigation \$34,516.00
 c/o Peter Wagner, Financial Manager
 FBI - Cleveland
 1501 Lakeside Avenue
 Cleveland, OH 44114
 (216) 622-6698 (If by check, payable to "Federal Bureau of Investigation")

State Medical Board of Ohio \$11,048.00
 c/o Susan Loe, Fiscal and HR Administrator
 30 E. Broad Street, 3rd Floor
 Columbus, OH 43215-6127
 (614) 466-9306 (If by check, payable to "Ohio Treasurer, Richard Cordray")

- ☒ A special assessment of \$200.00 is due in full immediately as to counts one and two.
 PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Relative to Count 2, the defendant shall forfeit \$1,589,439.00, pursuant to 18 USC 982(a)(1) and 21 USC 853(a), which shall be paid immediately. The defendant's full payment of restitution shall be offset against the criminal forfeiture personal judgment order.

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest; (4) fine principal; (5) fine interest; (6) community restitution; (7) penalties; and (8) costs, including cost of prosecution and court costs.

Restitution (\$1,710,725):

\$485,380	Medicare
\$311,352	Ohio Bureau of Workers' Compensation
\$285,691	Medical Mutual of Ohio
\$167,651	Anthem Blue Cross & Blue Shield
\$155,675	Medicaid
\$70,139	CIGNA
\$63,296	Ingenix/United Health Care
\$42,768	Stateline TPA
\$34,214	Paramount Care, Inc.
\$18,817	ASC
\$18,424	TRICARE
\$17,107	Fiserv Health Harrington
\$40,211	Victims of Crime Act Crime Victims Fund